

# Exhibit E

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

In re: Bard IVC Filters, )  
Products Liability Litigation )  
                               )  
                               )  
                               )  
                               ) MD-15-02641-PHX-DGC  
                               )  
Sherr-Una Booker, an individual, )  
                               )  
                               ) Phoenix, Arizona  
                               Plaintiff, ) March 28, 2018  
                               v.             ) 12:50 p.m.  
                               )  
C.R. Bard, Inc., a New Jersey )  
corporation; and Bard Peripheral ) CV-16-00474-PHX-DGC  
Vascular, Inc., an Arizona )  
corporation, )  
                               )  
                               Defendants. )  
                               )  
                               )

BEFORE: THE HONORABLE DAVID G. CAMPBELL, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL - DAY 10 P.M.

(Pages 2297 through 2438)

Official Court Reporter:  
Elaine Cropper, RDR, CRR, CCP  
Sandra Day O'Connor U.S. Courthouse  
401 West Washington Street  
Suite 312, SPC 35  
Phoenix, Arizona 85003-2150  
(602) 322-7245

Proceedings Reported by Stenographic Court Reporter  
Transcript Prepared by Computer-Aided Transcription

DRAFT COPY

Page 2396

1 though this was not a long-term safety study and it completed 03:31:53  
2 after six months of follow-up, that was still a 12 percent  
3 caudal migration rate, a 1.2 percent fracture rate, 18 percent  
4 tilt rate, and 26 percent of the filters penetrated.

5 We saw evidence that they had few, and in many cases 03:32:11  
6 no reports of such failures with the SNF filter. So right  
7 there is a difference in rates that they are complaining of  
8 wasn't shown.

9 Ms. Hudnall agreed that the company's responsible for  
10 giving risk-benefit information to doctors and doctors need 03:32:35  
11 this information for informed consent and that doctors should  
12 be told if Bard knew that the filters were tilting. So, again,  
13 all of this gets incorporated into the information that Bard  
14 should have provided and there's no evidence that they did  
15 provide to any doctor, let alone Dr. D'Ayala. 03:32:53

16 Ms. Wong also testified that the G2 was not  
17 statistically the same as the Recovery and that it would be  
18 wrong to say that it was as good as the SNF filter so another  
19 comparison that came out unfavorably for the G2 filter.

20 We also saw statistical comparisons with competitor 03:33:26  
21 filters, Exhibit 2243. And there was a statistically  
22 significant difference in deaths between -- for the Recovery  
23 versus the Greenfield, SNF, and some other competitor filters.

24 Dr. Streiff testified that the IFU for the G2 was  
25 inadequate and Dr. Muehrcke testified that doctors would have 03:33:57

DRAFT COPY

Page 2438

1

C E R T I F I C A T E

04:38:32

2

3                 I, ELAINE M. CROPPER, do hereby certify that I am  
4         duly appointed and qualified to act as Official Court Reporter  
5         for the United States District Court for the District of                 04:38:32  
6         Arizona.

7

8                 I FURTHER CERTIFY that the foregoing pages constitute  
9         a full, true, and accurate transcript of all of that portion of  
10       the proceedings contained herein, had in the above-entitled         04:38:32  
11       cause on the date specified therein, and that said transcript  
12       was prepared under my direction and control, and to the best of  
13       my ability.

14

15                 DATED at Phoenix, Arizona, this 29th day of March,         04:38:32  
16         2018.

17

18

19

20                 s/Elaine M. Cropper                 04:38:32

21

Elaine M. Cropper, RDR, CRR, CCP

22

23

24

25                 04:38:32

DRAFT COPY